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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**  
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6 SAMUEL WACHSBERGER,

7 Plaintiff,

8 v.

9 BALLY'S HOTEL,

10 Defendant.  
11

Case No. 2:09-CV-02436-KJD-LRL

**ORDER**

12 Plaintiff filed his Complaint and Application to Proceed *In Forma Pauperis* ("IFP") (#1) on  
13 December 29, 2009. On March 12, 2010, the magistrate judge granted Plaintiff permission to  
14 proceed *IFP*, but ordered Plaintiff to file an amended complaint no later than April 9, 2010 because  
15 Plaintiff had failed to state a claim. Plaintiff filed an Amended Complaint (#3) on April 6, 2010.  
16 However, Plaintiff failed to correct the deficiencies noted by the magistrate judge. Plaintiff has  
17 neither stated a claim under 42 U.S.C. § 1983 because no state actor has been identified, nor has  
18 Plaintiff stated a claim under Title VII of the Civil Rights Act of 1964, because he has failed to allege  
19 any discriminatory purpose or motive in his alleged termination.

20 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Amended Complaint (#3) is  
21 **DISMISSED with prejudice.**

22 DATED this 9<sup>th</sup> day of August 2010.  
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26 Kent J. Dawson  
United States District Judge